

Kate M. Baxter-Kauf
kmbaxter-kauf@locklaw.com
Direct: 612.596.4007

LOCKRIDGE
GRINDAL
NAUEN
P. L. L. P.

Attorneys at Law
www.locklaw.com

MINNEAPOLIS
Suite 2200
100 Washington Avenue South
Minneapolis, MN 55401-2179
T 612.339.6900
F 612.339.0981

November 6, 2020

VIA ECF AND EMAIL

The Honorable Hildy Bowbeer
United States Magistrate Judge
United States District Court
632 Federal Building
316 N. Robert Street
St. Paul, MN 55101
bowbeer_chambers@mnd.uscourts.gov

Re: *In re EpiPen ERISA Litigation, Case No. 17-cv-01884 (PAM-HB)*

Dear Judge Bowbeer,

The parties submit this joint letter to update the Court on the respective positions of the parties regarding the pending Joint Motions for Continued Sealing currently under advisement by the Court (*see* ECF Nos. 937, 939, 940, 942, 944, 946, 948, 949, 952, 954),¹ as well as the disputes regarding proposed redactions to transcripts of the hearings on the discovery motions and on the motion for class certification (*see* Transcripts, ECF Nos. 895, 905, 923, 926 and Defendants' Statements of Redaction, ECF Nos. 962, 963, 964). After the hearings on August 26, 2020 (ECF No. 979) and September 8, 2020 (ECF No. 987), the parties have continued to negotiate regarding whether compromise was possible or additional agreements could be reached, and, in light of those negotiations and also the dismissal of all parties and claims in the litigation, *see* ECF Nos. 1008, 1010, have decided to withdraw all objections to all parties' confidentiality claims made in the Joint Motions for Continued Sealing. *See* D. Minn. LR 5.6(d)(1)(C).

¹ ECF No. 936 was also a Joint Motion Regarding Continued Sealing, but the parties had no disputes related to sealing in that motion, and, as a result, the Court issued an Order disposing of the Motion on August 12, 2020. *See* ECF No. 961. As a result, the parties have no outstanding issues related to that Joint Motion.

November 6, 2020

Page 2

Specifically, Plaintiffs withdraw their objections to the claims of confidentiality made by the Express Scripts Defendants² in ECF Nos. 940, 942, and 944, by the OptumRx and United Defendants³ in ECF No. 937, by the CVS Caremark Defendants⁴ in ECF No. 948, and by Defendant Prime⁵ in ECF Nos. 937, 939, 940, 944, and 946. Plaintiffs also withdraw their objections to the claims of confidentiality made by all Defendants in ECF Nos. 946, 949, 952, and 954. In addition, Defendant Prime withdraws its objections to the claims of confidentiality made by Plaintiffs Adam and Elan Klein and by third-party Blue Sea Capital in ECF Nos. 937, 946 and 954. No part of this withdrawal applies to the obligation to redact personal identifiers or other statutory obligations to keep information confidential as contemplated by L.R. 5.6(a)(3).

Please let us know if you have any questions. I file this on behalf of and with permission from all parties of record.

Very truly yours,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.



Kate M. Baxter-Kauf

cc: All parties of record via ECF

² “Express Scripts Defendants” refers to Defendants Express Scripts, Inc., Express Scripts Holding Company, and Medco Health Solutions, Inc.

³ “OptumRx and United Defendants” refers to Defendants Optum, Inc., OptumRx Holdings, LLC, OptumRx, Inc., United HealthCare Services, Inc., and UnitedHealth Group, Inc.

⁴ “CVS Caremark Defendants” refers to Defendants CVS Health Corporation, CaremarkPCS Health, L.L.C., Caremark, L.L.C., and Caremark Rx, L.L.C.

⁵ “Defendant Prime” refers to Defendant Prime Therapeutics LLC.